



SIERRA CLUB
CALIFORNIA

July 31, 2006

Mike Chrisman
Office of the Secretary
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman,

Sierra Club California, Planning and Conservation League and the Environmental Protection Information Center wish to thank you for your efforts to incorporate the protections for coho salmon required by Fish and Game Code Section 2112 into the Forest Practice Rules. We have long been supportive of increased protections for these extremely threatened salmonids, and we appreciate your efforts to make these protections a reality.

The incorporation of these protective measures into the Forest Practice Rules will help reduce confusion for timber harvest plan submitters, and is a logical step toward smoothing the interagency review process. This action will not obviate the need for the Department of Fish and Game to participate in plan review to ensure that coho and other imperiled species are adequately protected, but it should help to create a more consistent expectation of minimum protections required in order to comply with California's Endangered Species Act (ESA).

While this initiative will be generally well received by the conservation community, we expect it will be met with opposition from the timber industry. We urge you to use your considerable influence to secure expeditious adoption of the proposed rule package, so that the rules can go into effect on January 1, 2007. Given that coho have been listed under the federal ESA for a decade, and that the National Marine Fisheries Service recently upgraded the Central Coast Evolutionarily Significant Unit of coho from Threatened to Endangered, we agree that it is appropriate to adopt these rules as soon as possible.

We stand ready to help with the adoption of this rule and offer the following observations and suggestions.

In order to adopt the new coho protection rule on January 1, 2007, the Board of Forestry will need to issue a 45-day notice at the August 3 Board meeting in Scott's Valley. In order to issue a notice, a majority of those members present at the meeting need to vote in the affirmative. One of the Public members of the Board will be absent from that meeting, so you will need four of the seven members present to support the issuance of a 45-day notice. You will need the support of at least one of the representatives of the Timber or Ranching communities. Given that this effort is clearly a priority of the Resources Agency and the

Schwarzenegger Administration, we trust that you will be actively engaged in securing the required votes.

To adopt the proposal as rule language will require five affirmative votes at the October Board meeting. Currently, there is a vacancy in one of the five Public seats on the Board. We strongly urge the Administration to appoint a fifth Public member firmly dedicated to conservation and preserving public trust resources. While it may be possible to secure an Industry vote to issue the 45-day notice, we believe it is unlikely that you will be able to garner their support for the actual adoption of this rule. We stand ready to help in the identification of an appropriate representative of the public.

You may be aware that the Board of Forestry is currently initiating a literature review of the current "Threatened or Impaired" watershed rules, which were adopted in 2000 as an interim response to the decline of various salmonid species. We anticipate that some factions of the timber industry will suggest that the proposed 2112 protections be routed through the same nascent and nebulous process. This would be inappropriate, and would simply delay the process. One of the reasons we are supportive of the expedited adoption of this proposed rule is that it has already been thoroughly vetted by the Department of Fish and Game, and it is the minimum action necessary to comply with their statutory responsibilities¹. The Trustee agency for fish and wildlife must be allowed to generate the protective measures they deem necessary to protect the resource – the Board of Forestry's role in this situation is simply to reduce interagency duplication and move toward a more streamlined process.

Again, we thank you for your leadership on this important issue. We hope you find these observations useful, and we look forward to working with the Agency and the Board to adopt these measures into the Forest Practice Rules at the earliest possible date.

Yours Truly,



Paul Mason
Sierra Club California



Gary A. Patton
Planning and Conservation League



Larry Evans
Environmental Protection Information Center (EPIC)

Cc: Stan Dixon, Chair, Board of Forestry and Fire Protection

¹ We note that these proposed rules represent a step toward streamlining the interagency review process, and should not be construed as limiting the Department of Fish and Game's authority to require site-specific mitigations necessary to protect fish or wildlife.